

KUUKU MINNAH-DONKOH
KMINNAHDONKOH@GRSM.COM



ATTORNEYS AT LAW
1 BATTERY PARK PLAZA, 28TH FLOOR
NEW YORK, NY 10004
PHONE: (212) 269-5500
FAX: (212) 269-5505
WWW.GORDONREES.COM

June 18, 2020

VIA ECF AND FACSIMILE

Honorable Laura Taylor Swain
U.S. District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Adler v. Solar Power, Inc., et al.
Case No. 16-CV-01635 (LLS)(GWG)

Dear Judge Swain:

My office represents the corporate defendants (collectively, “SPI”) in connection with the above matter. I, together with Plaintiff’s counsel, submit this joint status letter and respectfully request that the Show Cause Hearing scheduled to continue on June 22, 2020, be adjourned to July 23, 2020, or any date thereafter that is convenient for the Court

At the time the parties submitted their last joint status letter to the Court – on May 20, 2020 – the Mauka FIT One LLC solar project in Hawaii (the “Project”) was anticipated to reach its Commercial Operations Date (“COD”) milestone on May 29, 2020. However, on May 31, 2020, Valta Energy (“Valta”) requested and Hawaiian Electric Company, Inc. (“HECO” or “the Utility”) granted Valta a final extension, until June 30, 2020, to reach the COD milestone.¹ Assuming the Project reaches COD by June 30, within 5 business days thereafter (by July 7) HECO will issue Valta a Permission to Operate (“PTO”) Letter. Full payment from Valta to Plaintiff and SPI would then be due 10 business days thereafter (so, by July 21, 2020).

Based on the foregoing, Plaintiff and SPI respectfully request that the continuation of the Show Cause Hearing be adjourned from June 22 to July 23, 2020. The parties thank the Court for its time and attention to this application.

¹ On June 9, 2020, Valta, in accordance with the assignment agreement between SPI and Plaintiff, made a partial payment to Plaintiff in the amount of \$80,787.21.

Honorable Laura Taylor Swain
June 18, 2020
Page 2

Respectfully submitted,

Kuuku Minnah-Donkoh
Kuuku Minnah-Donkoh

cc: Roger Marion, Esq. (*via ECF*)

The control date for continuation of the order to show cause hearing is adjourned to July 24, 2020, at 2:00 p.m. The parties must file a joint status letter by July 22, 2020. DE#202 resolved.

SO ORDERED.

6/18/2020

/s/ Laura Taylor Swain, USDJ